IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6381 of 2005

Between:

B. Ravinder S/o. Venkatramulu
R/o. Mailaram Hamlet of Mothkuru Village, Doma Mandal, Ranga Reddy District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Doma Mandal, Ranga Reddy District.
2 B. Venugopal S/o. Venkatramulu,
R/o. Opp: Government High School, Mallevoniguda Road, Pargi Village & Mandal, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or order or direction, more particularly one in the nature of "WRIT OF PROHIBITION", declaring the action of the respondent No.1 in re-entertaining application of the respondent No.2 for mutation of R.O.R. Record in respect of Agricultural lands in Sy.No. 192 and 193, to an extent of Ac. 13-13 guntas, and Ac. 7-02 guntas, situated at Mailaram Hamlet of Mothukur Village, Doma Mandal, Ranga Reddy District as without authority of law, illegal, arbitrary and violative of Art. 14 and 21 of the Constitution of India and contrary to the provisions of A.P. rights in Land & Pattedar Pass Book Act, 1971, and consequently prohibits the respondent No.1 in proceedings with case in file No. B/94/2005 pending before him and pass any other order or orders as this Hon'ble Court may deem fit and proper for ends of justice.

Counsel for the Petitioner : MR. M.LAXMAN

Counsel for the Respondent No.1: GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.6381 OF 2005

ORDER :

This writ petition is filed aggrieved by the action of the 1st respondent – Mandal Revenue Officer, Doma Mandal, Rangareddy District in initiating enquiry under the provisions of the Andhra Pradesh Rights in Land Pattadar Pass Books Act, 1971.

As can be seen from the material on record, the 1st respondent having initiated the proceedings, issued the notice in Form-VIII, dated 15-2-2005 under Section 5(8) of the Act calling upon the petitioner to submit his objections, if any, against the proposed action.

The petitioner challenges the said action on the ground that since the 1st respondent - Mandal Revenue Officer has already passed an order dated 25-4-2002 holding that the claims of the respective parties cannot be decided by him that it is necessary to seek adjudication by the Civil Court, it is not open to the Mandal Revenue Officer to

again take up the enquiry under the impugned notice dated 15-2-2005.

It is always open to the petitioner to raise such objection before the Mandal Revenue Officer in response to the impugned notice dated 15-2-2005, and the interference of this Court at this stage is not warranted. The Writ Petition being premature, I am not inclined to entertain the same.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to submit the objections, if any, to the impugned notice dated 15-2-2005 within a period of one week from today. If any such objections are filed by the petitioner, the 1st respondent – Mandal Revenue Officer shall consider the same and appropriate orders be passed in accordance with law within six weeks thereafter.

The Writ Petition is accordingly disposed of. No costs.

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30th March, 2005.

gbs

To

1.The Mandal Revenue Officer, Doma Mandal, Ranga Reddy District.

2. Two CCs to G.P. for Revenue, High Court of AP Bldgs, Hyderabad (OUT)

3. Two CD copies.